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C O N F I D E N T I A L JERUSALEM 002189

SIPDIS

NEA FOR IPA AND FRONT OFFICE; INL/CIV FOR YOUNG/PETERSON;  
NSC FOR ABRAMS/RAMCHAND/PASCUAL

E.O. 12958: DECL: 12/03/2018

TAGS: PGOV PREL SOCI KJUS KWBG KPAL IS

SUBJECT: JENIN: LOCAL JUDGES, PROSECUTORS DESCRIBE  
CHALLENGES FACING JUSTICE SECTOR

Classified By: Consul General Jake Walles for reasons 1.4 (b) and (d).

¶11. (C) Summary. Judges and prosecutors in Jenin told Poloff and SEMERS staff that inadequate resources and interagency cooperation are the major obstacles to improving local administration of justice. They said the security campaign in Jenin has significantly improved public perception of the justice sector, but obstacles to access and movement and prohibitions on PASF operations impede progress. End summary.

Judges: Big Backlog; Big Needs

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¶12. (C) Poloff and SEMERS staff met with Jenin's head judge, Mahmoud Jamous, and two criminal court judges at the Jenin courthouse December 1 to discuss administration of justice. Jamous praised the Jenin initiative and said area residents have begun using the courts to settle issues and resolve long-stalled cases. Jamous complained that none of the court's judges live in Jenin and face extensive delays at IDF checkpoints when coming to work. He suggested a VIP travel system for the West Bank's 140 judges. Asked about local prosecutors, he said they are very young, lack training, and often fail to present sufficiently robust cases to secure conviction.

¶13. (C) According to data that Jamous provided, 521 serious criminal cases, 334 civil cases, and approximately 100 appeals are pending before the first instance (district-level) court. Four judges are handling district-level cases, and four judges are handling lower-level magistrate cases. Three of the four district court judges hear criminal cases with possible sentences in excess of three years, and one magistrate hears lesser criminal cases. The magistrate-level case backlog is significant: an estimated 6,500 pending criminal cases and 1,260 civil cases. (Note: According to Jamous, civil cases in excess of 100,000 Jordanian dinar (JD) are heard by three-judge panels at the district level. A single district-level judge hears civil cases between 10,000 and 100,000 JD, and the magistrate court handles cases below 10,000 JD as well as certain classes of disputes including landlord/tenant. End note.)

¶14. (C) There are significant problems with post-trial handling of civil and criminal decisions, and 4,968 civil and criminal cases from both the district and magistrate courts are awaiting enforcement of judgments. Jamous said efforts to reduce this backlog are severely hampered by inadequate staff and vehicles. He emphasized that obstacles to access and movement and prohibitions on PASF movement have also stalled many cases where witnesses are unable to travel or suspects are beyond the reach of the law.

Prosecutors: Increased Investigation Assistance Needed

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¶5. (C) Abdelnasser Daragmeh, chief prosecutor in Jenin, told Poloff December 1 that his office's pending caseload has dropped from 600 to 400 cases in the pre-trial investigation phase since he assumed his position three months ago. He said there is only one civil police officer assigned to his office which has hampered the office's ability to conduct investigations. "It has been four years since the judicial police was announced, and we're still hearing about it," Daragmeh said. He added that the prosecutor's office most urgently needs advanced training in forensics, money laundering, and computer crime. (Comment: A more basic review of investigatory techniques may actually be more useful. End comment.)

WALLES